IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

FIRST APPEAL NO.1337 OF 2005
WITH
CIVIL APPLICATION NO. 3237 OF 2005

Merwan K. Irani & Ors. ...Appellants.
Vs.
Bombay Municipal Corporation & Ors. ...Respondents.

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Mr. S.N. Trivedi i/b. Mr. D.T. Gaandhy for the Appellants.
Mr.J. J. Xavier for the Respondents.

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**CORAM : DR. D.Y. CHANDRACHUD, J.**

**December 7, 2005.**

**P.C.:**

Mentioned. By consent taken on board for hearing.

This First Appeal arises out of a judgment and order of the City Civil Court dated 30th April 2005 by which the suit instituted by the Appellants for challenging a notice under Section 351 of the Mumbai Municipal Corporation Act, 1888 and an order passed by the Deputy Municipal Commissioner, Zone-III, was dismissed. The First Appeal was mentioned with notice to the Municipal Corporation for continuation of the order of stay.

At the hearing of the First Appeal, the attention of the Court is drawn to an order dated 12th August 2005 passed in these proceedings permitting the Appellant to make an application for

regularisation. Counsel appearing on behalf of the Appellant states that the only relief which the Appellants seek is that the application for regularisation which has been submitted on 22nd August 2005 to the Executive Engineer (Building Proposals), Western Suburbs, may be disposed of and until then, no coercive steps may be taken against the Appellants in respect of the structure. This request is not opposed. Accordingly, this First Appeal is disposed of with a direction that the Executive Engineer (Building Proposals), Western Suburbs shall dispose of the representation of the Appellants for regularisation, dated 22nd August 2005 within a period of four weeks from today. The Municipal Corporation shall not take steps to demolish the structure until the application for regularisation is disposed of. In the event that the application for regularisation is rejected, it would be open to the Municipal Corporation to take steps for the removal of the structure. The First Appeal is accordingly disposed of.

In view of the disposal of the appeal, the Civil Application does not survive and is accordingly disposed of.

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